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2008

### 2008-11-03 H. Thomas Wells, Jr. ABA Presidential Speech

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**[Deserves no introduction story]**

**So you can see that sometimes *words* are important. Let me give you another example: [God save the United States from this Honorable Court story].**

**So words can be important and can make a difference. But we are here not to celebrate words, but rather to celebrate the actions of lawyers—your actions—that have made and continue to make a difference.**

**The work you do day in and day out for those who need a voice—an**

**advocate—in our legal system makes a profound difference in our society.**

**I appreciate the opportunity to be here and celebrate your impressive and crucial work on behalf of access to justice in Alabama—especially of this evening’s honorees.**

**I also must say it's a real pleasure—and I'm not overstating this—it's a real pleasure to be back home in Alabama. During my five-hour drive down here from Birmingham, I was thinking about the fact this I've been on the road for about 170 days this year. I've been**

**everywhere from Washington, D.C., (on several occasions), to Chicago (also on several occasions), to London, Quebec, and Buenos Aires, and many places across the U.S.**

**It's gotten to the point, quite frankly, where my wife Jan asks to see my ID before she lets me in the house.**

**So much for the glamour of representing the American legal profession. Actually, it's an honor and privilege to lead the world's largest voluntary professional membership organization, an association that is the**

**voice of the American lawyer and an advocate for justice and the rule of law.**

**We're advocating a lot for the rule of law these days because of a small event that—we hope—will conclude tomorrow, the first Tuesday of November.**

**Amidst all the attention to the horse race and the candidates' policy positions, it's often overlooked that we lawyers play a fundamental role in our elections *process*, ensuring that elections are free, fair, accessible, and accurate.**

**One defining aspect of our rule of law is that our election disputes are handled**

**by judges and lawyers in courts of law—  
and not by generals and mobs in the  
streets.**

**So, we're working to make a  
difference:**

**\* By providing voting information to  
the public on our web site,  
[abavoteinfo.org](http://abavoteinfo.org).**

**\* By providing lawyers and judges  
with state-by-state election law statutes  
and training materials in case election law  
disputes do arise.**

**\* By recruiting lawyers for Election  
Protection, a nationwide hotline where**

**voters who are having trouble voting can call for advice from trained professionals.**

**And after the election, I intend to spend a lot of time with the ABA's Governmental Affairs Office in Washington making inroads with the new administration and Congress—so that we can advocate on the legal profession's core values.**

**It's an honor for me to be in this position. And I hope this honor reverts at least a little back to our state. Actually, I'm not the first ABA president from**

**Alabama, or even from Birmingham, for that matter. I'm the third.**

**My law partner, Lee Cooper, served as the second ABA president from Alabama, in 1996-97.**

**The first ABA president from Alabama was Henry Upson Sims, a real property lawyer of some national renown.**

**Until recently, my knowledge of Henry Upson Sims was mostly relegated to a faded portrait that was found in storage in the Jefferson County Courthouse. The presiding judge showed it to me with a**

**not-so-subtle suggestion that I foot the bill for a restoration.**

**I think about Henry Upson Sims a lot these days, because—as the old Chinese curse puts it—he led in interesting times. He was president of the Alabama State Bar from 1917 to 1918—America's years in World War I. And he served as president of the ABA from 1929 to 1930.**

**Following in his footsteps, I want to assure you of one thing: Any connection between Henry Upson Sims and the stock market crash of 1929 has been greatly exaggerated.**

**Think about those years—1929 to 1930—and the environment in which Sims led the ABA. It was the very beginning of the Great Depression.**

**And here's what he said in his speech to those assembled for the 1930 ABA Annual Meeting.**

**He assured his audience that (quote) “visions of social strife are but phantasmagoria of morbid brains.”**

**Let me say right off the bat that I try my darndest to avoid using the words "phantasmagoria" and "morbid brains"—especially in the same sentence.**

**But what's more troubling is the first part of the sentence—that Sims appears to have turned a blind eye to social strife at the moment when the bar's leadership was most needed.**

**Fortunately, in the year 2008, the bar is doing a far better job of ensuring access to justice for all, especially the less financially secure and most vulnerable among us. And that's thanks in large part to our legal services providers across the country, including Legal Services of Alabama.**

**But we all know that for all the good we do, we have lots of work to do. For one thing, because of a lack of funding and manpower, 8 out of 10 people across America with limited incomes can't get their legal needs served.**

**You know these folks: People whose homes are being foreclosed, who need family lawyers to help them get out of violent relationships, who face bankruptcy from credit card and other debt. And countless other situations that you, as legal services lawyers, live and breathe every day—whether you're at the**

**office or in the courtroom working on them . . . or at home thinking about them . . . or perhaps even crying over them.**

**We're proud at the ABA of our relationships with legal aid programs, courts, and bar associations across the country offering access-to-justice resources.**

**We're seeing this here in Alabama, which recently joined many other states when Chief Justice Cobb established the Supreme Court's Access to Justice Commission. The ABA encourages the efforts of access to justice commissions**

**throughout the country, and we're happy to work with Alabama's.**

**Our work on access to justice involves a variety of fronts—by the Standing Committee on Legal Aid and Indigent Defendants, the Standing Committee on Pro Bono and Public Service, the Center on Children and the Law, and Special Committee on Death Penalty Representation.**

**Similarly, we help local programs expand access to justice through the ABA's Commissions on Youth at Risk, Domestic Violence, Homelessness and**

## **Poverty, Immigration, Law and Aging, Mental and Physical Disability Law, and Racial and Ethnic Justice.**

**In carrying out the ABA's national leadership role, we develop universally respected access-to-justice standards that are implemented at the state and local level. These standards cover pro bono programs, public defender resources, and death penalty representation—and those are just a few examples. Our resources for lawyers ultimately help victims of domestic violence, provide due process and fair treatment to people in our**

**immigration system, and otherwise give a voice to those who don't have a strong voice in our system of justice.**

**I invite you to see what we offer on our web site, at [abanet.org](http://abanet.org).**

**We're also fighting for legal services at the federal level.**

**Every year in April, for an event called ABA Day, the ABA and our partners in the state and local bars send delegations of lawyers to Capitol Hill to meet with their members of Congress and lobby for legal services funding. ABA Day is a dramatic example of how bar**

**associations from across the country can unite to make a difference in our society.**

**Every year, I'm happy to point out, one of the largest contingents in Washington is none other than Alabama's. This past year, we were fortunate to have Sam Crosby, Wade Baxley, Bill Broome, and Tracy Daniel from the Bar Foundation representing us.**

**This was the first year the ABA pulled together something remarkable: A letter of support for LSC signed by all 50 state bar presidents. Getting all 50 state bar presidents to agree on anything is like**

**herding cats on ice, so you can imagine our sense of achievement for LSC.**

**We take materials like that letter from the bar presidents on our Hill visits. Year after year, we meet with hundreds of members of Congress, some of whom congratulate our efforts and describe how legal aid helps their districts, and some of whom—quite frankly—do not.**

**But thanks to our steady work on the Hill, every year we see a few more lawmakers here, and a few more there, begin to get why legal aid is so important**

**to keeping our communities safe and healthy.**

**They begin to realize that it's not just poor people elsewhere, but *their constituents in their districts* who need legal services to deal with shortchanges in the benefits due them, with domestic violence, with natural disasters, with absentee landlords, with foreclosures and the blighted communities they create.**

**[Spencer Bacchus story – lobbying for LSC funding to a conservative Republican from a safe and wealthy conservative district – like beating your**

**head against a brick wall: It only feels good when you stop. But after perhaps 4 years of my annual visits, Rep. Bacchus got a letter from a constituent who had been assisted out of an abusive relationship by Legal Services of Alabama. And all of a sudden Cong. Bacchus got it. I'm happy to report that he has been a supporter of adequate funding for LSC ever since, and this year even signed the "Dear colleague" letter asking for the full amount requested by the LSC Board.]**

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**So a big question for us here tonight is, why do we do all this—why do we work so hard to ensure access to justice?**

**In the South, as you know, we have a saying: People who become lawyers are "called to the bar." Think about that. The only other profession that's widely considered a "calling" . . . is the clergy.**

**The phrase "called to the bar" is profound, and it's appropriate. If clergymen and women minister in the realm of the spirit, lawyers minister in the**

**realm of justice. My sister-in-law up in Cullman, actually, ministers in both—she's both a nun and a lawyer.**

**The sense of calling in what we do is reinforced by the prophet Micah. Micah asked: "What does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God?"**

**Now it's one thing to do justice. But we cannot do justice fully without ensuring *access* to justice.**

**While Micah expressed the call to justice as an act of faith, the preamble to the Model Rules of Professional Conduct**

**expresses the call to justice as a professional expectation, where it says:**

**"A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel."**

**We should all be grateful to have been called to a profession that's committed to something larger than our own professional self-interests—not only to justice in the abstract, but also to promoting access to justice.**

**Some of us, like those of you here, do so by working in legal services—and we're grateful for that. Some of us donate time to pro bono work and money to legal services. Some of us use our civic influence—as the model code states—to advocate in Washington and our state legislatures on behalf of legal services.**

**What we all have in common—what we're all doing—is making a difference—something our profession is best at. And being here tonight, with the fine example you demonstrate, makes me all the more energized to go out and advocate for our profession and our common values. I thank you for that. And I thank you for having me here this evening.**